THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 16500 OF 2000

Dated 29th August, 2007

Between:

Erroju Ramchandram

…Petitioner.

And

The Mandal Revenue Officer, Peddapalli,
Karimnagar District and another.

…Respondents.

ORAL ORDER:

In this writ petition, the petitioner questioned the notice dated 24.6.2000 issued in proceedings No. E/417/99.

The petitioner was assigned an extent of Ac. 3.35 guntas of land situated at Raghavapur village of Peddapalli Mandal, Karimnagar District in Survey No. 1073 on the ground that he is a landless poor person and patta was issued to him in the prescribed format. It is stated that the petitioner developed the land by spending about Rs.3.00 lakhs and for the said purpose he had also taken loan from A.P. State Agro Industries Development Corporation. It is the case of the petitioner that though he is cultivating the land as per the terms and conditions of grant, but, however, the impugned notice is issued to cancel the assignment only at the instance of some persons who are inimically disposed towards him.

It is submitted by Shri B.Aga Reddy, learned counsel appearing for the petitioner that except referring to some complaint vide reference first cited in the notice, there is no allegation levelled against the petitioner for inviting explanation from the petitioner for the proposed cancellation. It is submitted that merely because a complaint is made without indicating any reason, respondents are not empowered to issue notice for cancellation of assignment.

In the counter affidavit filed on behalf of the respondents, it is stated that some representations were made to cancel the allotment made to the petitioner for the purpose of allotment of the same for graveyard. Even in the counter affidavit, except the said reason, no other reason has been stated.

In this case, it is to be noted that the petitioner was granted assignment as early as in the year 1961. Though the explanation is

called for to cancel the assignment, no reason has been stated in the impugned notice for issuance of such a notice except reference to a complaint, which is also bereft of any reasons. Even in the counter affidavit, it is merely stated that some representations were made to cancel the assignment for the purpose of allotting the said piece of land for burial ground. So long as the petitioner is cultivating the land by following the terms and conditions of patta, merely because third party made a representation to cancel the patta for allotment to burial ground, the assignment cannot be cancelled. Though this court is normally slow in interfering at the stage of show cause notice, but as no reason is indicated for issuance of the impugned notice and no violation of conditions of patta is alleged and the petitioner developed the land which was assigned to him in the year 1961 by spending huge amount after taking loan for that purpose, I deem it a fit case to set aside the impugned show cause notice. The impugned notice is accordingly set aside and the writ petition is allowed. No costs.

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29-8-2007

R.SUBHASH REDDY, J.

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